

**Andover Conservation Commission Meeting Minutes
February 15, 2010**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

9 Wildwood Road

Present in Interest: Jean Francois Grenon

Staff Recommendation: Approve

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of two additions is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only as this is an older home. This is a "Backyard Project". There is no request for a waiver, however the setback is less than 25 feet. The Applicant requested a Waiver for the 20 foot setback from the wetland due to the cantilevers. The Commission would like the plan to be resubmitted with the location of the cantilevers. A silt fence will be placed at the top of the slope. The Commission will conduct a site visit on February 25th at 9:00am. The Applicant agreed to place stakes or flag the foundation and cantilever locations in time for the site visit.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to March 1, 2011 it was seconded by commissioner Driscoll and unanimously approved.

72 Chandler Road

Present in Interest: Gene Cormier

Staff Recommendation: Close Public Hearing

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed demolition of existing dwelling and garage and the construction of a new dwelling with driveway, grading and utilities.

Mr. Douglas presented this to the Commission. This filing is under both the WPA and our local By-Law. No waivers are requested or required. This new structure will be strategically placed between two wetlands outside of the 50 foot no disturb. The plan submitted needs the narrative to be added, as well as the no cut zone with monumentation at 25 feet. The Commission will conduct a site visit on February 25th.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to close the public hearing, it was seconded by Commissioner Driscoll and unanimously approved. The Order of Conditions will issue at the March 1, 2011 meeting.

Victoria Place

93-97 River Street

Present in Interest: Don Borenstein, Bill MacLeod, Todd Wacome, Frances Wheeler, Subhash Dandage, Toni Emmert, Mick Mueck, Katherine Cromier, Robert Cormier, Kerry O'Kelly and Michael Riendeau

Staff Recommendation: Find changes significant

Request for insignificant change under the Massachusetts Wetlands Protection Act. The proposed changes include the relocation and addition of water service lines and sewer stubs, the relocation of a catch basin and relocation of a water main.

Mr. Douglas presented this to the Commission. The DPW has requested the change in location of the sewer stubs and water main and additional water and sewer stubs be installed prior to the roadway being paved. The ZBA has approved the relocation of the water main. Any sewer stubs installed are outside the buffer zones as shown on Victoria Place plan.

Frances Wheeler commented that it appears they are doing work for Taylor Cove without permission or approval.

Commissioner Greenwood stated that the project has changed dramatically and it is much different from the original plan. He believes this change is significant.

Vice Chairman Walsh agreed with Commissioner Greenwood saying the meaning behind the change is significant.

Chairman Cooper agrees that the changes are minor in nature, but they are significant changes because the purpose and scope of the project has changed.

Mr. MacLeod and Mr. Wacome both reminded the Commission that the permit is for the roadway and the roadway itself has not changed.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to find the change significant, it was seconded by Commissioner Ralston and unanimously approved.

7 Wescott Road

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an inground pool with associated work.

The Applicant requests a continuance to March 1, 2011.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to March 1, 2011, it was seconded by Vice Chairman Walsh and unanimously approved.

CONSENT AGENDA:

17 Prides Circle & 2 Willoughby Lane

Staff Recommendation: Approve.

Request for Certificate of Compliance.

17 Messina Drive

Staff Recommendation: Approve

Request for Certificate of Compliance.

17 Messina Drive

Staff Recommendation: Approve

Request for Satisfactory Completion of Work Certificate.

Legends Phase I

Staff Recommendation: Approve

Request for cessation of inspections because of winter weather.

Legends Phase II

Staff Recommendation: Approve

Request for cessation of inspections because of winter weather.

4 Willoughby Lane

Staff Recommendation: Approve

Request for cessation of inspections because of winter weather.

Avalon at St. Clare

460 River Road

Staff Recommendation: Approve

Request review of frequency of inspections at this location.

Minutes

Staff Recommendation: Approve

Minutes of December 17, 201 and December 21, 2010.

Commissioner Driscoll made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Porter and unanimously approved.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Legends Condominium Conservation Restriction

Present in Interest: Don Borenstein

Amended Conservation Restriction for Commission to sign.

Commissioner Porter asked if the restriction was in perpetuity and who is responsible for the upkeep? The restriction is in perpetuity and the current landowner is responsible for the upkeep of the property, not the Town.

Commissioner Driscoll informed the Commission that the language "Public Easement" was written in 1991 and to date no public easements have been registered with the State, only recorded at the Registry of Deeds. This will impact tax revenues to the Town in the future.

Chairman Cooper reminded the Commission that this Amended Conservation Restriction is what the Planning Board approved.

Vice Chairman Walsh agreed with Chairman Cooper, stating that this is what was negotiated with the Applicant.

Commissioner Ralston agreed with Vice Chairman Walsh stating that while the concerns raised are valid, they are after the fact.

Commissioner Honea found one 10 foot wide public easement given to the Town. How many easements was never specified.

Commissioner Greenwood believes this will be a huge loss in tax revenue for very little gain to the Town.

Al French agreed that there is only one 10 foot wide public easement which is unusable to the public. He believes we need to define public access between the Town and the Developer.

Commissioner Ralston made a Motion to Approve the Amended Conservation Restriction, it was seconded by Vice Chairman Walsh and approved by a vote of 4-3 with Commissioners Porter, Driscoll and Greenwood opposed.

DISCUSSION ITEMS:

Taylor Cove/Victoria Place

Rare Species Discussion

Present in Interest: Todd Wacome, Don Borenstein and Bill MacLeod

Discussion regarding letter from Natural Heritage. Attorney Borenstein informed the Commission that the project is all clear under the Endangered Species Act.

Taylor Cove/Victoria Place

Present in Interest: Todd Wacome, Don Borenstein and Bill MacLeod

Copy of Letter from Johnson & Borenstein, LLC to Andover Zoning Board of Appeals regarding proposed changes. The Applicant is requesting a change in the location of the water main and walking path on the Comprehensive Permit.

Taylor Cove

Present in Interest: Todd Wacome, Don Borenstein and Bill MacLeod

Review of River Status Letter from Ann Marton at LEC Environmental. She has found the waterway to be a River. We still need to know where the River is located, however this will have to wait until Spring due to snow conditions.

Overseer Appointment

Appoint Robert Pincus for Foster's Pond/Willard Circle Properties.

Commissioner Ralston made a Motion to nominate Robert Pincus, it was seconded by Commissioner Driscoll and unanimously approved.

9 Prides Circle

Present in Interest: Steve Erickson

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetland Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an inground pool with associated site work.

Mr. Douglas presented this to the Commission. This was continued from January 19, 2011 and January 4, 2011. The project is pre-by-law because the subdivision approval was issued prior to the by-law. This is a "Backyard Project". The pool is closer to the wetland than we permit. DEP comments are in and a site visit had been completed. The patio is 6 feet from the resource area. The Commission asked Mr. Erickson to review the plan with his client to determine if the client would be willing shift the pool so that there is roughly 11 feet to the resource area.

Commissioner Driscoll made a Motion to continue, it was seconded by Commissioner Greenwood and unanimously approved.

Conservation Brochure and "Celebrating the 50th"

Discussion with Gail Ralston regarding the Conservation Brochure and Celebrating the Commission's 50th Anniversary. The brochure developed by Jennifer Steele is much easier to understand, but the Commission would like more of the benefits mentioned. Town Meeting would not be an appropriate time to celebrate the Commission's 50th Anniversary. However, the Commission can develop a slide show for other Community Events such as Andover Days. Gail will also order 200 t-shirts to sell.

DeLoury Deed

Town Counsel requests the Commission sign and notarize FP Deed for Land Purchase.

Commissioner Driscoll made a Motion to Approve, it was seconded by Vice Chairman Walsh and unanimously approved.

Ratify E-Cert related to Beaver Activity at I-93 South

ECert allowing pre-thaw breach of dam endangering I93 Southbound. The beaver dam was too high and was breached.

Commissioner Driscoll made a Motion to Approve, it was seconded by Vice Chairman Walsh and unanimously approved.

The next meeting will be held March 1, 2011 at 7z;45pm.

The meeting was adjourned at 9:54pm by Motion of Commissioner Driscoll, seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**

